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Filing date: **10/06/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91161969
Party	Defendant Wilcox, Robert B. Wilcox, Robert B. 1538 Vista Claridad La Jolla, CA 92037
Correspondence Address	RICHARD D. CLARKE LAW OFFICE OF RICHARD D. CLARKE 3755 AVOCADO BLVD., #1000 LA MESA, CA 91941-7301
Submission	Answer
Filer's Name	Richard D. Clarke
Filer's e-mail	rclarkeesq@att.net
Signature	/Richard D. Clarke/
Date	10/06/2004
Attachments	RIT.901.Opposition.Answer.pdf (6 pages)

THE RITZ-CARLTON HOTEL
COMPANY, LLC,

Opposer,

V.

WILCOX, ROBERT B.,

Applicant.

ANSWER TO

NOTICE OF OPPOSITION

Opposition No. 91161969Application Ser. No. 76/553,029Date of Publication: June 22, 2004

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1 Applicant, Robert B. Wilcox, an individual, whose business address is 7825 Fay Avenue,
2 Suite 200, La Jolla, California, 92037, (hereinafter referred to as "Applicant"), hereby answers
3 the Notice of Opposition filed by opposer The Ritz-Carlton Company LLC, Opposition No.
4 91161969, as follows:

5
6 1. Answering the allegations of paragraph 1, Applicant is without knowledge of the true
7 facts and on information and belief denies the same in its entirety.

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9 2. Answering the allegations of paragraph 2, Applicant is without knowledge of the true
10 facts and on information and belief denies the same in its entirety.

11
12 3. Answering the allegations of paragraph 3, Applicant is without knowledge of the true
13 facts and on information and belief denies the same in its entirety.

14
15 4. Answering the allegations of paragraph 4, Applicant is without knowledge of the true
16 facts and on information and belief denies the same in its entirety.

17
18 5. Answering the allegations of paragraph 5, Applicant is without knowledge of the true
19 facts and on information and belief denies the same in its entirety.

20
21 6. Answering the allegations of paragraph 6, Applicant is without knowledge of the true
22 facts and on information and belief denies the same in its entirety.

23
24 7. Answering the allegations of paragraph 7, Applicant is without knowledge of the true
25 facts and on information and belief denies the same in its entirety.

26
27 8. Answering the allegations of paragraph 8, Applicant is without knowledge of the true
28 facts and on information and belief denies the same in its entirety.

1 Likelihood of Confusion - §2(d)

2 9. Answering the allegations of paragraph 9, Applicant is without knowledge of the true
3 facts and on information and belief denies the same in its entirety.

4
5 10. Answering the allegations of paragraph 10, Applicant is without knowledge of the
6 true facts and on information and belief denies the same in its entirety.

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8 11. Answering the allegations of paragraph 11, Applicant is without knowledge of the
9 true facts and on information and belief denies the same in its entirety.

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11 12. Answering the allegations of paragraph 12, Applicant is without knowledge of the
12 true facts and on information and belief denies the same in its entirety.

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14 13. Answering the allegations of paragraph 13, Applicant is without knowledge of the
15 true facts and on information and belief denies the same in its entirety.

16
17 14. Answering the allegations of paragraph 14, Applicant is without knowledge of the
18 true facts and on information and belief denies the same in its entirety.

19
20 Dilution - §43(c)

21 15. Answering the allegations of paragraph 15, Applicant is without knowledge of the
22 true facts and on information and belief denies the same in its entirety.

23
24 16. Answering the allegations of paragraph 16, Applicant is without knowledge of the
25 true facts and on information and belief denies the same in its entirety.

26
27 17. Answering the allegations of paragraph 17, Applicant is without knowledge of the
28 true facts and on information and belief denies the same in its entirety.

1 18. Answering the allegations of paragraph 18, Applicant is without knowledge of the
2 true facts and on information and belief denies the same in its entirety.

3
4 19. Answering the allegations of paragraph 19, Applicant is without knowledge of the
5 true facts and on information and belief denies the same in its entirety.

6
7 20. Answering the allegations of paragraph 20, Applicant is without knowledge of the
8 true facts and on information and belief denies the same in its entirety.

9
10 21. Answering the allegations of paragraph 21, Applicant is without knowledge of the
11 true facts and on information and belief denies the same in its entirety.

12
13 22. Answering the allegations of paragraph 22, Applicant is without knowledge of the
14 true facts and on information and belief denies the same in its entirety.

15
16 23. Answering the allegations of paragraph 23, Applicant is without knowledge of the
17 true facts and on information and belief denies the same in its entirety.

18
19 24. Answering the allegations of paragraph 24, Applicant is without knowledge of the
20 true facts and on information and belief denies the same in its entirety.

21
22 25. Answering the allegations of paragraph 25, Applicant is without knowledge of the
23 true facts and on information and belief denies the same in its entirety.

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25 26. As for a first affirmative defense, the Notice of Opposition fails to state a claim.

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1 WHEREFORE, Applicant prays that Opposition No.91161969 be rejected and dismissed
2 in favor of Applicant, and that the mark RITZ sought for the services specified in International
3 Class 035 be approved and a Notice of Allowance duly issued.

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5 Applicant hereby appoints Richard D. Clarke, Attorney, registered with the United States
6 Patent and Trademark Office, and a member of the State Bar of California, to act as attorney of
7 record for Applicant herein, with full power to proceed in said Opposition, to transact all
8 relevant business with the United States Patent and Trademark Office, the Trademark Trial and
9 Appeal Board and in the United States Courts, and to receive all official communications in
10 connection with this Answer to Notice of Opposition and any subsequent Opposition
11 proceedings.

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15 Respectfully submitted,

16 LAW OFFICE OF RICHARD D. CLARKE

17
18 DATE: October 6, 2004

By: /Richard D. Clarke/

Richard D. Clarke,
Attorney for Applicant
Robert B. Wilcox, an individual

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28 USPTO Reg. No. 38,846

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4 CERTIFICATE OF SERVICE

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6 The undersigned hereby certifies that the foregoing ANSWER TO NOTICE OF
7 OPPOSITION was served upon the following attorney of record for Opposer by depositing a
8 true copy of same with the United States Postal Service as first class mail, postage prepaid, on
9 this 6th day of October, 2004.

10
11 Douglas R. Bush, Esq.
12 Jason J. Mazur, Esq.
13 ARENT FOX KINTNER PLLC
1050 Connecticut Avenue, NW
Washington, D.C. 20036-5339

14
15
16 /Richard D. Clarke/
Richard D. Clarke